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11 Attorneys for Defendant  
GOOGLE INC.

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15 ORACLE AMERICA, INC.,

16 Plaintiffs,

17 v.

18 GOOGLE INC.,

19 Defendant.  
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Case No. 3:10-cv-03561 WHA (DMR)

**[PROPOSED] ORDER RE: MOTION TO  
COMPEL [DKT. 1404]**

Dept. Courtroom 4 (Oakland)  
Judge: Hon. Donna M. Ryu

Pursuant to the Court's Order of December 30, 2015 (Dkt. 1410), on January 14, 2016, the parties appeared before Magistrate Judge Donna M. Ryu for a hearing on Oracle's Motion to Compel Production of Google Search Distribution Agreements and Further Rule 30(b)(6) Deposition (Dkt. 1404) seeking further production of documents responsive to Oracle's Request for Production No. 313 and further testimony regarding Topic 5 of Oracle's Rule 30(b)(6) deposition notice ("Oracle's Motion").<sup>1</sup>

The Court, having read and considered the papers submitted and having heard the parties thereon, and for good cause appearing, hereby orders as follows:

1. This Order hereby resolves Oracle's Motion (Dkt. 1404).
2. On or before January 27, 2016, Google will produce a chart including the following data for each provider of a non-Android mobile operating system with whom Google has or previously had a search revenue share agreement related to such non-Android mobile operating system during the time period of 2002 to 2012, to the extent such data can be located following a diligent search. The chart will contain for each such provider the yearly data (to the extent available) for the following: (1) the total gross revenue Google earned under the relevant search revenue share agreement; (2) the percentage of search revenue Google shares with the provider under the relevant search revenue share agreement; and (3) a list of Google services covered under the relevant search revenue share agreement.
3. Google is not required to provide the identity of the providers associated with the search revenue share agreements. However, if Google does not provide the identity of the providers associated with the agreements, Google will not be permitted to argue in expert reports or at trial that any particular data referenced in the chart is more or less relevant to the calculation of any damages as a result of the identity of the provider.

4. In the event that a dispute arises regarding the chart following Google's

<sup>1</sup> Google submits this proposed order in accordance with the Court's guidance at the January 14 hearing, after attempts to reach an agreed order with Oracle were unsuccessful. Pursuant to the Court's minute order, Dkt. 1428, Google has not submitted any additional statement or argument. Despite Oracle representing during the meet and confer that it, too, would not present any argument, at 8:48 p.m. last night, January 18, Oracle for the first time indicated that it intended to file a brief when it submits its proposed order. As Google has informed Oracle, Google reserves its right to respond as necessary to any brief or argument Oracle may submit.

1 production of it on or before January 27, 2016, the parties will promptly meet and confer, and  
2 any motion contesting the chart must be filed by February 3, 2016.

3 **IT IS SO ORDERED.**

4  
5 Dated:

6 By: HON. DONNA M. RYU  
7 UNITED STATES MAGISTRATE JUDGE

8  
9 Respectfully Submitted,

10 Dated: January 19, 2016

KEKER & VAN NEST LLP

11 By: /s/ Robert A. Van Nest  
12 ROBERT A. VAN NEST

13 Attorneys for Defendant  
14 GOOGLE INC.  
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